

P&G Case 8717MC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
Michael Philip Clark et al. : Confirmation No.
Serial No. : Group Art Unit
Filed September , 2003 : Examiner

For 6,7-Dihydro-5H-Pyrazolo[1,2-a]Pyrazol-1-Ones Which control Inflammatory Cytokines

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☒ 37 C.F.R. §1.97 (b)(1) - **U.S. Direct (within 3-months of filing a regular application or converted provisional)**

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - **Via PCT (within 3 mo. of Nat'l Stage Entry)**

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☐ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1st O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO (2) OR (3) MARKED WITH AN (X) ABOVE.

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed.

(c) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97 (b)(4) - (before the mailing of a first Office Action after the filing of a request for continued examination under §1.114)

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(4), is being filed with the Request for Continued Examination (RCE) under 37 C.F.R. §1.114.

5. ☐ Information to be Considered with CPA Filing. This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 CFR 1.53(d).

6. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1st Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter (or a fee transmittal form) is enclosed to facilitate the charging of the fee.

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

☒ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. 8717M, U.S. Patent Application Serial No. 10/246,214, filed September 18, 2002. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☐ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s _____, were submitted and considered in parent application U.S. Patent Application Serial No. _____, filed _____. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s _____ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s _____ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

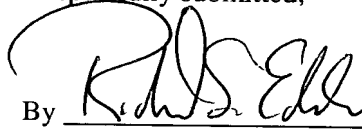
☐ (4) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

☐ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page.



Additional information is attached.

Respectfully submitted,



By

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Attorney or Agent for Applicant(s)
Registration No. 41,006
(513) 622-1973

Date: September 12, 2003

Customer No. 27752

(IDS.doc)
(Last Revised 4/4/2003)

COPENDING APPLICATIONS

Entire copies of all co-pending applications (or the portion of the application and claims that caused it to be cited) must be sent with the IDS (see 37 CFR 1.98(a)(2)(iii))

| <u>Atty. Docket No.</u> | <u>Serial Number</u> | <u>Inventor(s)</u> | <u>Filing Date</u> |
|-------------------------|----------------------|-----------------------------|--------------------|
| 8717M (allowed) | 10/246,214 | Michael Philip Clark et al. | 09/18/2002 |
| 8717MR | 10/390,216 | Michael Philip Clark et al | 3/17/2003 |

[ones that are pending at time of this filing; others that have issued get cited on the PTO/SB08.]

Please type a plus sign (+) inside this box → [+]

PTO/SB08A/B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) SHEET 1 of 1 | COMPLETE IF KNOWN | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/246,214</td> </tr> <tr> <td>Confirmation Number</td> <td>8697</td> </tr> <tr> <td>Filing Date</td> <td>09/18/2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael Philip Clark</td> </tr> <tr> <td>Group Art Unit</td> <td>1624</td> </tr> <tr> <td>Examiner Name</td> <td>Thomas c. McKenzie</td> </tr> <tr> <td>Attorney Docket Number</td> <td>8717M</td> </tr> </table> | Application Number | 10/246,214 | Confirmation Number | 8697 | Filing Date | 09/18/2002 | First Named Inventor | Michael Philip Clark | Group Art Unit | 1624 | Examiner Name | Thomas c. McKenzie | Attorney Docket Number | 8717M |
| Application Number | 10/246,214 | | | | | | | | | | | | | | |
| Confirmation Number | 8697 | | | | | | | | | | | | | | |
| Filing Date | 09/18/2002 | | | | | | | | | | | | | | |
| First Named Inventor | Michael Philip Clark | | | | | | | | | | | | | | |
| Group Art Unit | 1624 | | | | | | | | | | | | | | |
| Examiner Name | Thomas c. McKenzie | | | | | | | | | | | | | | |
| Attorney Docket Number | 8717M | | | | | | | | | | | | | | |

U. S. PATENT DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | DOCUMENT NUMBER Number - Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|--|
| | 1 | US-3,449,359 | 06/10/1969 | Testa et al. | |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | FOREIGN PATENT DOCUMENT Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | 2 | CH 529153 A | 10/15/1972 | | Col. 2, line 13 – Col. 2, line 15; claims; examples 1-5 | |
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NON PATENT LITERATURE DOCUMENTS

| EXAMINER INITIALS* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ⁶ |
|--------------------|-----------------------|--|----------------|
| | 3 | ILLEI, G. G. et al., "Novel, non-antigen-specific therapeutic approaches to autoimmune/inflammatory diseases", <u>Current Opinion in Immunology</u> , 2000, Vol. 12, Issue 6, pp. 712-718. | |
| | 4 | BLACK, R. A. et al., "Agents that Block TNF- α Synthesis or Activity", <u>Annual Reports in Medicinal Chemistry</u> – 32, Chapter 24, Academic Press, Inc., 1997, pp. 241-250. | |
| EXAMINER | | DATE CONSIDERED | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.